

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
APPEAL FROM GREENVILLE COUNTY  
HON. R. KNOX MCMAHON, CCR COURT

✓SF

THE STATE OF SOUTH CAROLINA.....RESPONDENT  
BRANDON D. ADAMS.....APPELLANT.

APPELLANT CASE NO: **RECEIVED**  
2016-00090 JAN 17 2017  
APPEAL MATTER SC Court of Appeals

HERE COMES APPELLANT, ~~MR. BROOKS~~ BRANDON D. ADAMS  
ACTING PRO SE, IN ABOVE REFERENCED CASE NO:  
2016-00090 TIMELY FILE THIS RESPONSE TO THE  
FORTY-FIVE (45) DAYS COVER DEADLINE PRESENT  
TO FOLLOWING ISSUES TO BE CONSIDER ON APPEAL  
AND WHY APPELLATE COUNSEL FOR RECORD OF APPEAL  
SHOULD NOT BE RELIEVED AS COUNSEL IN  
THIS APPELLATE COURT MATTER.

**RECEIVED**  
JAN 17 2017

APPELLATE DEFENSE

PROCEDURAL HISTORY

DURING THE JULY 2013 TERM, A GREENVILLE COUNTY  
GRAND JURY INDICTED APPELLANT FOR MURDER  
(2013-GS-23-5553) 1<sup>ST</sup> DEGREE BURGLARY (2013-  
GS-23-5554) ARMED ROBBERY (2013-GS-23-5556)  
AND POSSESSION OF A WEAPON DURING THE COMMISSION  
OF A VIOLENT CRIME (2013-GS-23-5556) ON  
JANUARY 5<sup>TH</sup>, 2016 APPELLANT PROCEEDED  
TO TRIAL BY JURY AND WAS REPRESENTED BY  
TRIAL COUNSEL MR. IVAN J. TONKEX

1. EQ. THE STATE WAS REPRESENTED BY MR. LACUS C. MARCHANT, SOLICITOR FOR GREENVILLE COUNTY. A JURY FOUND APPELLANT GUILTY OF ALL CHARGES ON JANUARY 6<sup>TH</sup> 2016. THE HON. MCMAHON SENTENCED APPELLANT TO THIRTY (40) YEARS FOR MURDER. THIRTY (30) YEARS FOR BURGLARY 1<sup>ST</sup> DEGREE THIRTY (30) YEARS FOR ARMED ROBBERY AND FIVE (5) YEARS FOR THE POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME. APPELLANT FILED AND SERVED A NOTICE OF APPEAL ON JANUARY 15, 2016

APPELLANT IS REPRESENTED BY MS. SUSAN B HACKETT, ESQ FOR APPELLATE DEFENSE WHO, ON THE DATE OF 2016 FILED UPON THIS COURT OF APPEALS AN ANDERS BRIEF AND MOTION TO BE RELIEVED AS COUNSEL DUE TO HER FINDINGS THAT APPELLANT APPEAL IS WITHOUT MERITS.

APPELLANT WAS NOTIFIED BY THIS COURT ON THE DATE OF 12-6-2016 THAT APPELLATE COUNSEL FOR THE RECORO HAS FILED UPON THE COURT A MOTION TO BE RELIEVED AS COUNSEL IN THIS APPELLATE MATTER DUE TO HER

FINDINGS AND HAS GIVEN APPELLANT FORTY-FIVE (45) DAYS TO FILE HIS PRO-SE PETITION ADDRESSING ANY ISSUES APPELLANT BELIEVES THIS COURT SHOULD CONSIDER ON APPEAL.

APPELLANT RECEIVED THIS LETTER FROM THIS COURT OF APPEALS ON THE DATE OF 12-6-2016 FROM THE LIEBER CORR INST MAILROOM PERSONAL. APPELLANT PRO SE PETITION TIMELY FOLLOWS:

APPELLANT PRO SE PETITION ADDRESSING  
ISSUE THAT SHOULD BE CONSIDER ON  
APPEAL

ISSUE 1

THE TRIAL COURT ERRED IN NOT EXCLUDING  
APPELLANT'S ALLEGED STATEMENT FROM THE  
TRIAL OF THIS CASE. VIOLATING APPELLANT'S  
5TH AND 14TH AMENDMENT'S OF THE U.S.  
CONST.

INVESTIGATOR WAYNE TAYLOR CAMPBELL FOR THE GREENVILLE COUNTY SHERIFF'S OFFICE WAS THE HEAD INVESTISATOR OVER THIS CASE WHICH INVOLVES THE MURDER OF MR. JOSEPH CRITE THAT OCCURED DURING THE COMMISSION OF AN ARMED ROBBERY AND FIRST (1ST) DEGREE BURGLARY THAT HAPPENED ON THE APPROX DATE OF 12-11-2012 IN GREENVILLE COUNTY. TRP. 38 LINE 10-11. MR. CAMPBELL COULD NOT GET ANY LEADS ON THE SUSPECTS INVOLVING HIS CRIMINAL INVESTIGATION UNTIL HE RECEIVED INFORMATION FROM A WITNESS MR. JIMMY COBB ON 12-28-2012 WHICH PLAIED APPELLANT AT THE SERNE OF THE CRIME. TR.P 75 LINE 3-7. DUE TO THAT INFORMATION APPELLANT WAS BEING DETAINED BY GREENVILLE COUNTY SHERIFFS OFFICE ON UNRRLATED CRIMINAL CHARGES TRP. 38 LINE 20-21 MR. CAMPBALL THEN WENT AND MET WITH APPELLANT AT THE GREENVILLE DETENTION CRNTER ON THE DATE OF FEBUARY 11, 2013. TRP. 38 LINE 14-17. ACCURDENG TO INVESTIGATOR CAMPBALL APPELLANT WAS DETINED IN HANDCUFF'S AND WAS PLAIED IN THE

INTERROGATION ROOM WITH ONLY HIMSELF.  
TRP 39 LINE 20-25, TRP. 40 LINE 1-25.  
MR. CAMPBELL THEN QUESTIONED  
APPELLANT WHETHER APPELLANT KNEW  
AND UNDERSTOOD HIS MIRANDA RIGHTS  
WHICH APPELLANT STATED THAT HE COULDN'T  
READ OR WRITE TRP 40 LINE 23-25  
TR. P 41 LINE 1- MR. CAMPBELL TESTIFIED  
THAT HE THEN WENT BACK OVER APPELLANT  
MIRANDA RIGHTS A SECOND TIME  
AND THAT APPELLANT DID SIGN A WAIVER  
FORM .TR. P 41 LINE 25, TRP. 42 LINE  
1-4. INVESTIGATOR CAMPBELL THEN  
STARTED QUESTIONING APPELLANT  
CONCERNING THE MURDER OF MR. CRITE  
THAT HAPPENED ON 12-11-2012.  
APPELLANT HAD DENIED ALL ALLEGATIONS  
CONCERNING HIM INVOLVES IN THE  
MURDER ARMED ROBBERY AND 1ST DEGREE  
BURGLARY THAT HAPPENED ON 12-11-2012.  
TRP. 42 LINE 18-25. TRP 43 LINE 6-22  
MR. CAMPBELL THEN TESTIFIED THAT THE  
INTERROGATION WASN'T MAKING NO LEADS  
SO HE JUST ENDED QUESTIONING  
APPELLANT. TR. P. 44 LINE 7-13. THIS  
STATEMENT WAS VIDEO RECORDED.

TR.P 42 LINE 8-11. ON SEPTEMBER  
18<sup>TH</sup>, 2014 WHICH WAS APPROX 7 MONTHS  
AFTER MR. CAMPBELL'S FIRST INTERVIEW  
WITH APPELLANT, MR. CAMPBELL HAD  
APPELLANT ESCORTED FROM THE  
GREENVILLE COUNTY LAW ENFORCEMENT  
HOMICIDE INTERROGATION ROOM. TR.P  
44 LINE 19-24. MR. CAMPBELL WAS  
ACCOMPANIED BY MR. LUCAS MARCHANT  
FOR THE GREENVILLE COUNTY SOLICITOR'S  
OFFICE AND MR. MATT CANADY WHO WAS  
APPELLANT COUNSEL AT THAT TIME  
ON OTHER CHARGES TR.P 44 LINE  
24-25. MR. CAMPBELL TESTIFIED  
THAT APPELLANT TALKED TO HIS LAWYER  
IN PRIVATE AND THEN CAME FORTH WITH  
COUNSEL AND STATED HE WANTED TO TALK  
. TR.P 45 LINE 2-5. INVESTIGATOR  
CAMPBELL THEN STARTED QUESTIONING  
APPELLANT ABOUT THE CRIME THAT  
HAPPENED ON DEC. 11, 2012 WHICH  
LED TO APPELLANT SUPPOSELY GIVEN  
A CONFESSON TO INVESTIGATOR  
CAMPBELL. TR.P. 46 LINE 55-25 TR.P  
47-48-49 HOWEVER, THERE'S NO  
VIDEO RECORDING OR WRITTON

CONFESION TR.P 50 LINE 6-9. THE RECORD ALSO SHOWED THAT NO WRITTING WAIVER WAS EVER GIVEN TO APPELLANT TO SIGN BEFORE HE STATED GETTING QUESTIONED BY INVESTIGATOR CAMPBELL. TR.P. 68 LINE 1-4. ADDITIONALLY INVESTIGATOR CAMPBELL TESTIFIED THAT HE NEVER ONCE PRIOR TO QUESTIONING APPELLANT MIEANDARIZE APPELLANT PURSUANT TO MIRANDA V CALIFORNIA TR.P. 60 LINE 1-4. THE PROSECUTION EVEN ADMITTED TO THIS VIOLATION TO THE TRIAL COURT. TR.P. 62 LINE 12-12. AT THE JACKSON V. DEVNO HEARING MR. CANADY WAS NOT PRESENT TO TESTIFY TO APPELLANT BEING MIEANDARIZED BY HIM. TR.P. 60 LINE 20-25, TR.P. 61 LINE 1-5. ~~TRIAL~~ TRIAL COUNSEL MOVES TO SUPPRESS BOTH STATEMENTS BY STATING THAT THE 1ST STATEMENT WAS IN VIOLATION OF MIEANDA BECAUSE THE INVESTIGATOR NEVER QUESTIONED APPELLANT WHETHER HE UNDERSTOOD THAT HE WAS WAIVING HIS RIGHTS KNOWING ~~AND~~ AND INTELLIGENTLY. TRIAL COUNSEL ADDITIONALLY MOVE TO SUPPRESS THE SECOND STATEMENT

1.

OF APPELLANT BECAUSE OF MIRANDA VIOLATION BECAUSE (1) THE INVESTIGATOR FAILED TO LEAD APPELLANT HIS MIRANDA RIGHTS BEFORE QUESTIONING APPELLANT, (2) FAILED TO READ OR PRESENT TO APPELLANT A MIRANDA WAIVER FORM SO APPELLANT COULD HAVE READ AND SIGNED

TR.P. 61-62-63-64-65-66-67. CLEARLY LEGITIMATE ISSUES WAS PRESENTED THAT REQUIRED THE 1ST AND 2ND STATEMENT TO BE SUPPRESSED. HOWEVER THE TRIAL COURT DENIED THE MOTION TO SUPPRESS AND ALLOWED THE STATE TO USE BOTH STATEMENTS AGAINST APPELLANT. TR.P. 61 LINE 10-25, TR.P. 62-63-64-65-66-67. THROUGHOUT APPELLANT'S TRIAL TIM 1ST AND 2ND STATEMENT WEISATED HEAVY UPON APPELLANT BY THE PROSECUTION. TR.P. 103 LINE 13-23 THE PROSECUTOR QUESTIONED INVESTIGATOR CAMPBELL CONCERNING THE STATEMENTS IN FRONT OF THE JURY AND THE PROSECUTION ENTERED IN EVIDENCE STATEMENT (1) THE VIDEO TAPE. TR.P. 313 LINE 24-25 TR.P. 314-315-316-317-318 AND 319.

8. THE JURY HEARD INVESTIGATOR CAMPBELL TESTIMONY AND RETURNED WITH A VERDICT

AGAINST APPELLANT FINDING THEM GUILTY  
CHARGED

## ARGUMENT

APPELLANT ARGUES THAT THE TRIAL COURT  
ERRED IN FAILING TO SUPPRESS HIS 2ND SUPPOSEN  
STATEMENT TO INVESTIGATOR CAMPBELL WHICH  
WAS GIVEN ON SEPT 18-2014. APPELLANT  
ARGUES THAT THE TRIAL COURT P~~RI~~UDICED  
HEM BECAUSE THE 2ND STATEMENT OF HIS  
SHOULD HAVE NEVER BEEN ALLOWED IN FRONT  
OF THE JURY BECAUSE OF THE VIOLATION  
OF MIRANDA V. CALIFORNIA. ~~384~~ 384

65. 436 86 SRT 1602 (1966) WHICH HELD:

A PERSON BEING ARRESTED MUST BE TOLD THAT  
HE/SHE HAS THE RIGHT TO REMAIN SILENT.

IN THIS PRESENT CASE INVESTIGATOR CAMPBELL  
FAILED TO DO SO TR. P 62 LINE 18-25. THIS  
EVEN COVERS ANY SUSPECT OF A CRIMINAL  
CRIME U.S V. HURST 228 F 3D 751

(6TH CIR 2000) INTERROGATION TRIGGERS  
THE NEED TO GIVE MIRANDA WARNINGS. U.S. V.  
BUTLER 249 F 3D 1094 (9TH CIR 2001) HELD.

A PERSON MUST BE ADVISED OF HIS  
MIRANDA RIGHT PRIOR TO QUESTIONING. U.S.

V. KEM 292 F 3D 964 (9TH CIR 2002)

NEW TRIAL WAS GRANTED BECAUSE AT

NO TIME DID KIM RECEIVED MIRANDA  
WARNINGS. ESCOBEDO V. ILLINOIS ~~378~~  
378 U.S. 478 (1964) GARCIA V. SINGLETARY  
13 F 3D 1487.

THE 5<sup>TH</sup> AMENDMENT HAS ESTABLISHED  
THAT [NO] REASON ~~SH~~ SHALL BE COMPELLED  
IN ANY CRIMINAL CASE TO BE A WITNESS  
AGAINST HIMSELF. OR U.S. COURT AMENDS.

5<sup>TH</sup> [UNLESS] HE WAS GIVEN MIRANDA  
WARNINGS AND HAS KNOWINGLY, VOLUNTARY  
AND INTELLIGENTLY WAIVED HIS RIGHT NOT  
TO TALK. ESCOBEDO V. ILLINOIS  
IN THIS PRESENT CASE APPELLANT NEVER  
RECEIVED NO MIRANDA WARNINGS SO  
THEREFORE HE DID NOT KNOWINGLY,  
VOLUNTARY OR INTELLIGENTLY WAIVE  
HIS RIGHT NOT TO TALK AND WITH  
THAT BEING PRESENTED WHAT EVER  
APPELLANT SUPPOUNY TOLD INVESTIGATOR  
CAMPBELL CANT BE USED AGAINST HIM  
IN NO COURT OF LAW, [MIRANDA] ANY  
THING YOU SAY CAN AND WILL BE USED  
AGAINST YOU IN THE COURT OF LAW  
384 U.S. 436, 86 Sct 1602 (1966). THE  
TRIAL COURT SHOULD HAVE SUPPRESS  
APPELLANT 2<sup>ND</sup> STATEMENT JOCKS V.  
JAVERNIER

316 F 3D 128 (2ND CIR 2003)  
HELD THE APPROPRIATE REMEDY FOR  
VIOLATIONS OF MIRANDA RIGHTS IS TO  
EXCLUDED STATEMENT FROM TRIAL.

CONCLUSION

DUE TO TRIAL COUNSEL BEING DENIED  
OF HIS MOTION TO SUPPRESS APPELLANT'S  
INNOUNTAKY CONFESSION THE ISSUE  
WAS PRESENTED FOR APPELLATE REVIEW.  
THEREFORE, THIS ~~COURT~~ COURT TO GRANT  
CERTIORARI AND REVERSE AND REMAIND  
APPELLANT CONVICTIONS AND SENTENCES  
BACK TO THE LOWER COURT FOR A NEW  
TRIAL..

THIS 9 DAY OF JANUARY 2017

11.

RESPECTFULLY SUBMITTED  
S/ Brian [Signature]  
PRO SE

Dallas Brad [Signature] Auler  
Attorney Commission Expires 5/1/2018

IN THE SOUTH CAROLINA COURT OF APPEALS

BRANDON ADAMS #366619 )

APPELLANT )

CASE NO 2016-00090

v. )

CERTIFICATE OF SERVICE

STATE OF SOUTH CAROLINA... )

RESPONDENT )

**RECEIVED**

JAN 17 2017

SC Court of Appeals

I CERTIFY THAT A TRUE COPY OF THIS PETITION FOR CONSERVATION OF ANNEES V. CALIFORNIA APPEAL IN THIS CASE HAVE BEEN SERVED ON THE FOLLOWING PARTIES ON THIS DAY OF JANUARY 9 2017

PARTIES ADDRESSES

12.

S/ Brandon Adams  
PRO SE APPELLANT

COURT - THE SOUTH CAROLINA COURT OF APPEALS  
PO BOX 11627  
COLUMBIA SC 29211

~~CONFIDENTIAL~~

LAWYER - SOUTH CAROLINA COMMISSION ON INDEPENDENT  
DEFENSE DIVISION OF APPELLATE DEFENSE P.O. BOX  
11589 COLUMBIA, SC 29211-1589

RESPONDENT - SENIOR ASSISTANT DEPUTY ATTORNEY  
GENERAL ATTORNEY GENERAL OFFICE  
P.O. BOX 11549 COLUMBIA SC 29211

SWORN TO BEFORE ME THIS

\_\_\_\_\_ DAY OF \_\_\_\_\_

NOTARY PUBLIC FOR SOUTH CAROLINA  
MY COMMISSION EXPIRES \_\_\_\_\_



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

ORIGINAL

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Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

January 17, 2017

The Honorable Jenny Abbott Kitchings  
Clerk, S.C. Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: State v. Brandon Dashun Adams, Appellate Case No. 2016-000090

Dear Ms. Kitchings:

Please accept the pro se brief of appellant filed by the above named individual in response to the Anders brief I recently filed with the Court in the case. Appellant inadvertently mailed this to our office.

If you have further questions, do not hesitate to contact me.

Sincerely,

Susan B. Hackett  
Appellate Defender

SBH/

Enclosure

cc: Brandon Dashun Adams #366619

BRANDON D. ADAMS #366619  
LIEBR CORR INST E-8 22  
P.O. BOX 205  
REDGEVILLE SC 29412

**RECEIVED**  
JAN 10 2017  
MAIL ROOM  
LIEBER C.I.

SCDC  
Christmas  
Packet

2921181589 8011

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